

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DENNIS J. SHESKEY,

Plaintiff,

v.

MADISON METROPOLITAN SCHOOL DISTRICT
(MMSD),

Defendant.

ORDER

12-cv-488-wmc

This is a civil action filed by plaintiff Dennis Sheskey against the Madison Metropolitan School District. Plaintiff has paid the \$350 fee for filing his complaint.

The next step is for plaintiff to serve his complaint on the defendant. Under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve the defendant. However, that is an outside limit with few exceptions. This court requires that a plaintiff act diligently in moving his case to resolution. If plaintiff acts promptly, he should be able to serve his complaint on the defendant well before the deadline for doing so established in Rule 4.

For plaintiff's information, Fed. R. Civ. P. 4(j)(2) states

A state, a municipal corporation, or any other state-created governmental organization that is subject to suit must be served by:

(A) delivering a copy of the summons and of the complaint to its chief executive officer; or

(B) serving a copy of each in the manner prescribed by that state's law for serving a summons or like process on such a defendant.

Wis. Stat. § 801.11(4)(a)6 provides that when the defendant is a school district, the summons and complaint should be served on the president or clerk of the district. Section 801.11(4)(b) provides also that "in lieu of delivering the copy of the summons to the person specified, the copy may be left in the office of such officer . . . with the person who is apparently in charge of the office."

ORDER

IT IS ORDERED that plaintiff Dennis Sheskey promptly serve a summons and his complaint on the defendant and file proof of service of his complaint as soon as service has been accomplished. A summons that has been signed and sealed by the clerk of court is enclosed to plaintiff with this order for his use in serving his complaint. If, by August 20, 2012, plaintiff fails to submit proof of service of his complaint on the defendant or explain his inability to do so, I will direct plaintiff to show cause why his case should not be dismissed for lack of prosecution.

Entered this 9th day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge